

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF PENNSYLVANIA**

PATRICK MCDERMID, individually and on
behalf of all others similarly situated,

Plaintiff,

v.

INOVIO PHARMACEUTICALS, INC., and
J. JOSEPH KIM

Defendants.

Case No. 2:20-cv-01402-GJP

**JOINT MOTION FOR ORDER
REGARDING DEADLINE FOR DEFENDANTS' RESPONSES TO COMPLAINT**

Plaintiff Patrick McDermid (“Plaintiff”) and defendants Inovio Pharmaceuticals, Inc., and J. Joseph Kim (together, the “Defendants”) (collectively, the “Parties”), respectfully submit this joint motion for an order regarding the deadline for Defendants to respond to the complaint. In support of this motion, the Parties state as follows:

WHEREAS, on March 12, 2020, Plaintiff filed a complaint (Dkt. 1) captioned *McDermid v. Inovio Pharmaceuticals, Inc.*, Case No. 2:20-cv-01402, a purported class action under the Securities Exchange Act of 1934, as amended by the Private Securities Litigation Reform Act of 1995 (the “PSLRA”), which was assigned to Judge Gerald J. Pappert; and

WHEREAS, Plaintiff published notice to the purported class on March 13, 2020; and

WHEREAS, counsel for Inovio Pharmaceuticals, Inc., and J. Joseph Kim have agreed to waive service of the complaint; and

WHEREAS, pursuant to Section 21D of the PSLRA, motions for appointment of lead plaintiff and lead counsel must be filed with the Court on or before May 12, 2020, within

sixty (60) days after notice was published to the proposed class; and

WHEREAS, the Parties believe that, for reasons of judicial efficiency and economy, Defendants should not be required to respond to the existing complaint and any further complaints that may be filed arising out of the same set of facts and circumstances as set forth in the existing complaint, but rather, should withhold responding to any of these actions until after: (i) the Court has had the opportunity to determine whether the actions should be consolidated; (ii) the Court has appointed lead plaintiff and lead counsel; and (iii) the lead plaintiff has filed an amended complaint.

NOW THEREFORE, subject to this Court's approval, the Parties, by and through counsel, hereby agree and jointly move for an order as follows:

1. Defendants shall not respond to the existing complaint until after: (i) the Court has an opportunity to determine whether the existing complaint and any further cases that may be filed arising out of the same set of facts and circumstances as the existing complaint should be consolidated into one action, (ii) the Court has entered an order appointing a lead plaintiff and lead counsel, and (iii) the lead plaintiff files an amended complaint or deems the existing complaint the operative complaint;

2. After the Court has entered an order appointing a lead plaintiff and lead counsel, the Parties agree to meet and confer and to jointly propose a schedule for the Court's consideration regarding: (i) the deadline for filing an amended complaint, and (ii) the deadline for Defendants to file a response to the complaint, as well as a proposed briefing schedule and hearing date for motions to dismiss.

April 24, 2020

/s/ Michael C. Dell'Angelo

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April 24, 2020

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